



Fire Precautions Act 1971

1971 CHAPTER 40

Enforcement

18 Enforcement of Act

It shall be the duty of every fire authority to enforce within their area the provisions of this Act and of regulations made under this Act, and for that purpose to appoint inspectors; but nothing in this section shall be taken to authorise a fire authority in Scotland to institute proceedings for any offence.

19 Powers of inspectors

(1) Subject to the provisions of this section, any of the following persons (in this section referred to as "inspectors") namely an inspector appointed under section 18 of this Act and a fire inspector, may do anything necessary for the purpose of carrying this Act and regulations thereunder into effect and, in particular, shall, so far as may be necessary for that purpose, have power to do at any reasonable time any of the following things, namely—

- (a) to enter any such premises as are mentioned in subsection (2) below, and to inspect the whole or any part thereof and anything therein ;
- (b) to make such inquiry as may be necessary for any of the purposes mentioned in subsection (3) below;
- (c) to require the production of, and to inspect, any fire certificate in force with respect to any premises or any copy of any such certificate;
- (d) to require any person having responsibilities in relation to any such premises as are referred to in paragraph (a) above (whether or not the owner or occupier of the premises or a person employed to work therein) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this subsection.

(2) The premises referred to in subsection (1)(a) above are the following, namely—

Status: This is the original version (as it was originally enacted).

- (a) any premises requiring a fire certificate or to which any regulations made under section 12 of this Act apply;
 - (b) any premises such as are mentioned in section 10(1)(a) of this Act;
 - (c) any premises to which section 3 of this Act for the time being applies;
 - (d) any premises not falling within any of the foregoing paragraphs which form part of a building comprising any premises so falling; and
 - (e) any premises which the inspector has reasonable cause to believe to be premises falling within any of the foregoing paragraphs.
- (3) The purposes referred to in subsection (1)(b) above are the following, namely—
- (a) to ascertain, as regards any premises, whether they fall within any of paragraphs (a) to (d) of subsection (2) above;
 - (b) to identify the owner or occupier of any premises falling within any of those paragraphs;
 - (c) to ascertain whether, in the case of any premises to which section 3 of this Act for the time being applies, any person has the overall management of the building constituting or comprising the premises and, if so, to identify that person;
 - (d) to ascertain, as regards any premises falling within any of the said paragraphs (a) to (d), whether the provisions of this Act and regulations made under section 12 thereof are complied with, and, where a fire certificate is in force in respect of any such premises, whether the requirements imposed by the certificate are complied with.
- (4) An inspector shall, if so required when visiting any premises in the exercise of powers conferred by this section, produce to the occupier of the premises some duly authenticated document showing his authority.
- (5) In the case of premises used as a dwelling or premises of any other description prescribed for the purposes of this subsection, no power of entry conferred by subsection (1) above shall be exercised as of right unless twenty-four hours' notice has been given to the occupier; and for the purposes of this subsection a description of premises may be framed in any of the ways mentioned in section 1(4) of this Act.
- (6) A person who—
- (a) intentionally obstructs an inspector in the exercise or performance of his powers or duties under this Act; or
 - (b) without reasonable excuse fails to comply with any requirement imposed by an inspector under subsection (1)(d) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

20 Exercise on behalf of fire inspectors of their powers by officers of fire brigades

- (1) The like powers as are in relation to any premises conferred by section 19 of this Act on a fire inspector shall be exercisable by an officer of the fire brigade maintained by the fire authority when authorised in writing by such an inspector for the purpose of reporting to him on any matter falling within his duties under this Act; and subsections (4) and (6) of that section shall, with the necessary modifications, apply accordingly.
- (2) A fire inspector shall not authorise an officer of a fire brigade under this section except with the consent of the fire authority who maintain that brigade.

21 Restriction on disclosure of information

If a person discloses (otherwise than in the performance of his duty or for the purposes of any legal proceedings, including an arbitration, or for the purposes of a report of any such proceedings) any information obtained by him in any premises entered by him in the exercise of powers conferred by this Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.